

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

IN RE:

JUAN JOSE GUERRERO SR	§	Case #: 09-52656-CAG
GRACIELA LUNA GUERRERO	§	Chapter 13
Debtors.	§	Honorable Craig A. Gargotta
	//	

**TRUSTEE'S OBJECTION TO DEBTOR'S MOTION TO APPROVE SETTLEMENT AGREEMENT, DISTRIBUTE REMAINING PROCEEDS AND SECOND REQUEST FOR ADDITIONAL COMPENSATION**

**NOW COMES**, Mary K. Viegelahn, Chapter 13 Trustee ("Trustee") and for her Objection to Debtor's Motion to Approve Settlement Agreement, Distribute Remaining Proceeds and Second Request for Additional Compensation ("Motion") and says as follows:

- 1) The Petition for relief was filed on July 16, 2009. The Plan was confirmed on November 9, 2009. The Plan payment is \$1,120.00 monthly. The Plan is \$3,360 in plan payment arrears through May 2015, which is the balance to complete the plan as confirmed.
- 2) The aggregate amount of allowed general unsecured claim is \$53,122.69. The plan currently pays a dividend of 17.36% or \$9,223.69 to this class of creditors.
- 3) On April 29, 2015 the Debtors filed this Motion. The Motion proposes:
  - A. Requests Settlement of Mrs. Guerrero's mass-tort personal injury claim be allowed
  - B. Proposed Settlement Breakdown:
    - a. Special Counsel \$23,333.33
    - b. Administrative costs \$2,164.33
    - c. Payment to AMS and Rawling Group (lien holdback) \$17,500.00 and remaining net proceeds to Joint Debtor in the amount of \$27,002.34 to cover auto repairs in the amount of \$1216.97, AC and Heater expense \$6400.00 and dental work \$8660.00.
    - d. Remaining balance of \$10725.37 towards their Chapter 13 plan.
    - e. Additional \$500 attorney's fees

- 4) The Trustee requests a copy of the Settlement agreement. Additionally the Trustee request proof of the auto expense, AC and heater expense and dental work expenses.
- 5) The Trustee asserts that with the inclusion of \$10,725.37 the dividend will increase to 17% from 1% to allowed unsecured creditors. The Trustee requests language in the Order to Approve Settlement Agreement that funds received by the Trustee will be disbursed to the allowed, general unsecured creditors.

**WHEREFORE**, the Trustee respectfully prays:

- A. That this Court denies the Motion.
- B. That this Court grants such other relief as it finds just and equitable.

May 20, 2015

/s/

Jessica L. Hanzlik TSBN: 24055661  
Staff Attorney for the Chapter 13 Trustee  
[jhanzlik@sach13.com](mailto:jhanzlik@sach13.com)  
10500 Heritage Blvd, Ste. 201  
San Antonio, TX 78216  
Phone: (210) 824 -1460  
Fax: (210) 824-1328

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

IN RE:  
**JUAN JOSE GUERRERO, SR**  
**GRACIELA LUNA GUERRERO**

CHAPTER 13

CASE NO.: 09-52656 G

**Debtors**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the attached document was served on the parties listed below by U.S. Mail or served electronically through the Court's ECF System at the e-mail address registered with the Court on **May 20, 2015**.

Debtor(s):  
**JUAN JOSE GUERRERO, SR**  
**GRACIELA LUNA GUERRERO**  
200 BLUEFIELD  
PLEASANTON, TX 78064

UNITED STATES TRUSTEE  
P O BOX 1539  
SAN ANTONIO, TX. 78295-1539

UNITED STATES BANKRUPTCY COURT  
615 E. HOUSTON RM 597  
SAN ANTONIO, TX. 78205

AND TO THE CREDITORS AND PARTIES IN INTEREST LISTED BELOW:

Attorney For Debtor(s)  
**RICK FLUME**  
C/O FLUME & ASSOCIATES  
900 NE LOOP 410 STE E105  
SAN ANTONIO, TX 78209

/S/

JESSICA L. HANZLIK